

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA :

vs. : CRIMINAL NO. 12-00144-CG-C

PHILLIP HOWELL :

ORDER ON ARRAIGNMENT

On this date, defendant, **Phillip Howell**, appeared in person in open Court with **appointed counsel Christopher Knight and John Sharbrough**, and was arraigned in accordance with Rule 10, Federal Rules of Criminal Procedure. Appearing for the Government was Assistant U. S. Attorney, **George May**.

PLEA. The defendant entered a plea of **NOT GUILTY**.

Counsel for the defendant is requested to contact the U. S. Attorney immediately if the defendant intends to engage in plea negotiations. **If defendant decides to change this plea, the parties shall file a Notice of Intent to Plead Guilty at the pretrial conference** and the case will then be set on a plea docket.¹ If defendant wishes to enter a guilty plea before the pretrial conference, counsel for defendant is to contact the office of the undersigned Magistrate Judge to schedule a change-of-plea hearing.

TRIAL. This case is set for trial during the **September, 2012** criminal term. Jury selection is scheduled for **8:45 a.m., on September 4, 2012**.

DISCOVERY. Discovery in this action shall be conducted according to the requirements of SDALA LR 16.13. Disclosures by the defendant, required in LR 16.13(b)(4), shall be accomplished no later than **July 23, 2012**.

JENCKS ACT STATEMENTS. The Government agrees to provide defense counsel with all Jencks Act statements no later than the **day scheduled for the commencement of the trial**.

PRETRIAL MOTIONS. All pretrial motions under Rule 12(b), Federal Rules of Criminal Procedure, and all notices or demands under Rules 12.1, 12.2, and 12.3, Fed.R.Cr.P. and SD ALA LR 16.12 (entrapment), must be filed not later than **July 27, 2012**. Pretrial motions filed after this date **must** contain an explanation as to why they could not have been filed prior to **July 27, 2012**, and will be considered only if good cause for the tardy filing has been shown. **Motions to continue**

¹ Counsel are reminded that the Sentencing Guidelines allow for an additional one point reduction in the offense level for qualifying defendants who timely assist authorities in the investigation or prosecution of the charged misconduct. U.S.S.G. 3E 1.1(b).

not raised during the Pretrial Conference are waived except for circumstances that occur after the Pretrial Conference. Motions to compel pursuant to LR 16.13(d) must be filed not later than **July 31, 2012.**

PROBATION OFFICE CONFERENCE. The United States Probation Officer assigned to this case is **Vicki Orso**. A Probation Office conference is hereby scheduled on **July 23, 2012, at 11:15 a.m.** The conference will be conducted either in the U.S. Marshal's lock-up for those defendants who have been detained or in Room 440 of the U.S. Courthouse for those defendants who have been placed on conditions of release. The defendant, defense counsel and counsel for the Government are **ORDERED** to meet with the Probation Officer to discuss the application of the Sentencing Guidelines. The date and time of this conference can be modified only with the consent of the Probation Officer, **but in no event will this conference be conducted within two days prior to the pretrial conference.**

PRETRIAL CONFERENCE. A pretrial conference is hereby scheduled to be conducted in the courtroom of Magistrate Judge William E. Cassady, Courtroom 3-A, on **August 7, 2012, at 10:00 a.m.** Defense counsel and counsel for the Government shall be prepared to discuss all pending motions and discovery requests, possible stipulations, estimated length of the trial, change of plea, and any other preliminary matters. The defendant may attend this conference, but his/her presence is not required. **Counsel who want in-custody defendants to attend must notify the Magistrate Judge within three days of the conference date so that an order to produce can be issued to the United States Marshal.** The parties are expected to give a firm commitment at the pretrial conference as to the final disposition of this case. No case will be continued except under extraordinary circumstances and only for good cause shown. **Motions for a continuance will only be considered if they have been filed prior to the pretrial conference and have an appropriate speedy trial waiver attached.**

MANDATORY APPEARANCE OF COUNSEL. Counsel of record for all parties are **ORDERED** to appear at all future Court proceedings in this criminal case. Those attorneys who find it impossible to be in attendance (especially at the Probation conference, the pretrial conference, jury selection, or trial) must make arrangements to have substitute counsel appear on behalf of their clients. Any attorney who appears as substitute counsel for a defendant shall have full authorization from the defendant to act on his or her behalf and be fully prepared to proceed. Substitute counsel shall not be counsel for a co-defendant unless permitted by the Court after proper motion.

LOCAL RULES. All parties are reminded that the Local Rules and Standing Orders of the Southern District of Alabama contain important requirements concerning discovery, representation of defendants, and other matters. They are reprinted in ALABAMA RULES OF COURT (West Publishing Co.) and ALABAMA RULES ANNOTATED (The Michie Co.), and posted on the Court's website, <http://www.als.uscourts.gov>. Since they are amended from time to time, the most current version may be the version posted by the Clerk of Court.

DONE and ORDERED this 11th day of July, 2012.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE